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District Of Montana
Great Falls

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ATTORNEYS FOR PLAINTIFF
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

UNITED STATES OF AMERICA,	CR 21-04-H-BMM
Plaintiff,	SUPERSEDING INDICTMENT
vs.	HATE CRIME ACTS
JOHN RUSSELL HOWALD,	(Count 1)
Defendant.	Title 18 U.S.C. § 249(a)(2)
	(Penalty: Life imprisonment, \$250,000 fine,
	and five years of supervised release)

	DISCHARGE OF FIREARM DURING AND IN RELATION TO A CRIME OF VIOLENCE (Count 2) Title 18 U.S.C. § 924(c)(1)(A) (Penalty: Mandatory minimum ten years to life imprisonment, consecutive to any other sentence, \$250,000 fine, and five years supervised release.) CRIMINAL FORFEITURE Title 18 U.S.C. § 924(d)
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THE GRAND JURY CHARGES:

BACKGROUND

Unless otherwise indicated, at times relevant to this Indictment:

1. On or about March 22, 2020, the defendant JOHN RUSSELL HOWALD was in the town of Basin, Montana.
2. HOWALD armed himself with multiple firearms, including rifles and handguns, and set out on foot through the streets of Basin, openly carrying his weapons.
3. Believing Individual 1 to be a person who identified as lesbian, HOWALD approached Individual 1's property, and, standing on the road near Individual 1's fence, fired his AK-style 7.62x39mm caliber rifle into Individual 1's property numerous times.

4. Several 7.62x39mm caliber rounds went through Individual 1's fence and deck, and at least one round went through several rooms in Individual 1's house before lodging above the kitchen refrigerator.

5. After firing into Individual 1's property, HOWALD walked down the street where he was impeded by people outside of a church who were coming out of a Sunday morning church service and saw HOWALD openly carrying multiple firearms, including a scoped hunting rifle on his back.

6. While speaking to the individuals outside of the church, HOWALD made statements, along the lines of the following:

- a. "I'm about to get rid of the sickness in this town. I'm going to get rid of the fuckin' lesbians, and . . . fuckin' queers, and goddamn . . . mother fuckers that do wrong."
- b. "I just proved my fuckin' point . . . they're leaving now. They will leave. They will not be here no more."
- c. ". . . I'm going to clean house like I know how to clean house."
- d. "I'm already too late to stop it now, man. I might have killed a fucking lesbian; I hope."
- e. "I can start a fuckin' revolution."
- f. "Because I am killing them mother fuckers!"

g. “They are going to die, they are going to leave, and it’s gonna be awesome again.”

7. When law enforcement arrived after receiving numerous 9-1-1 calls, HOWALD pointed a rifle toward the responding officer and fled from the area.

8. During a search of the area outside Individual 1’s property, law enforcement located spent and unspent rounds of 7.62x39mm caliber Tulammo ammunition.

9. On or about March 23, 2020, law enforcement apprehended HOWALD after stopping him in his vehicle. At the time of arrest, HOWALD had a Springfield XD .45 caliber pistol on his person, as well as a 10-inch fixed blade knife.

10. On or about March 24, 2020, law enforcement executed a search warrant on the vehicle HOWALD was driving at the time of the arrest, finding a loaded Smith & Wesson model 657 .41 caliber revolver, and a loaded AR-style 5.56 caliber rifle.

11. On or about April 8, 2020, law enforcement executed a search warrant on HOWALD’s camper, finding an AK-style 7.62x39mm caliber rifle with two banana clips that were taped together, a Mossberg 30-06 caliber rifle with scope, two empty Tulammo 7.62x39mm caliber ammunition boxes, and one empty Barnes .41 caliber magazine box.

COUNT 1

1. Paragraphs One through Eleven of the Background are incorporated by reference as though set forth fully herein.

2. On or about March 22, 2020, at Basin and within Jefferson County, in the State and District of Montana, the defendant, JOHN RUSSELL HOWALD, willfully, through the use of firearms and dangerous weapons, attempted to cause bodily injury to individuals that HOWALD perceived to be “lesbian” and “queer” in Basin, Montana, because of the actual and perceived sexual orientation of any person; specifically, HOWALD armed himself with firearms and ammunition, discharged ammunition through a firearm into Individual 1’s house and thereafter stated that he wanted to “get rid of the lesbians [and] queers.” In connection with the offense, HOWALD employed firearms, dangerous weapons (including ammunition), and other weapons (including ammunition and firearm components) that had traveled in interstate and foreign commerce; and HOWALD’S conduct otherwise affected interstate and foreign commerce. The offense included an attempt to kill Individual 1, in violation of 18 U.S.C. § 249(a)(2).

COUNT 2

That on or about March 22, 2020, at Basin and within Jefferson County, in the State and District of Montana, the defendant, JOHN RUSSELL HOWALD, knowingly used, carried, brandished, and discharged a firearm, during and in

relation to a crime of violence for which the defendant may be prosecuted in a court of the United States, to wit: a violation of 18 U.S.C. § 249(a)(2), the offense that is charged in Count 1 of this Indictment and is hereby incorporated by reference, in violation of 18 U.S.C. § 924(c)(1)(A).

FORFEITURE ALLEGATION

If convicted of either offense charged in this indictment, the defendant, JOHN RUSSELL HOWALD, shall forfeit, pursuant to 18 U.S.C. § 924(d), any firearms and ammunition involved in any knowing violation of said offense.

A TRUE BILL.

Foreperson signature redacted. Original document filed under seal.

FOREPERSON


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